

Ref

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 13. Part 9. Pp. 147—156

OPINION 408

Use of the Plenary Powers to secure that the specific name *pyrrhulinus* Swinhoe, 1876, as published in the combination *Emberiza pyrrhulinus* (Class Aves) shall be the oldest available name for the species concerned

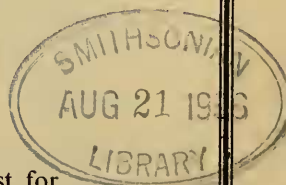
LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1956

Price Six Shillings and Sixpence

(All rights reserved)



INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 408

A. The Officers of the Commission

Honorary Life President : Dr. Karl Jordan (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

President : Professor James Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

Vice President : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th August 1953)

Secretary : Mr. Francis Hemming (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), (London)*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a.M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

OPINION 408

USE OF THE PLENARY POWERS TO SECURE THAT THE
SPECIFIC NAME "PYRRHULINUS" SWINHOE, 1876,
AS PUBLISHED IN THE COMBINATION
"EMBERIZA PYRRHULINUS" (CLASS AVES)
SHALL BE THE OLDEST AVAILABLE
NAME FOR THE SPECIES CONCERNED

RULING.—(1) Under the Plenary Powers the specific name *nortoniensis* Gmelin (J.F.), [1789], as published in the combination *Fringilla nortoniensis*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 710 :—*pyrrhulinus* Swinhoe, 1876, as published in the combination *Emberiza pyrrhulinus*.

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 277 :—*nortoniensis* Gmelin (J.F.), [1789], as published in the combination *Fringilla nortoniensis*, as suppressed under the Plenary Powers under (1) above.

I.—THE STATEMENT OF THE CASE

On 19th October 1950, Colonel Richard Meinertzhagen, Chairman of the Standing Committee on Ornithological Nomenclature established by the Tenth International Ornithological

Congress, Uppsala, 1950, addressed the following letter, with enclosure, to the International Commission on Zoological Nomenclature containing an application prepared by the Standing Committee for the use by the Commission of its Plenary Powers to secure that the specific name *pyrrhulinus* Swinhoe, 1876, as published in the combination *Emberiza pyrrhulinus* (Class Aves) shall be the oldest available specific name for the species concerned :—

Proposed use of the Plenary Powers to suppress the trivial name “nortoniensis” Gmelin, [1789], as published in the combination “Fringilla nortoniensis” (Class Aves)

Application submitted by the
Standing Committee on Ornithological Nomenclature of the
International Ornithological Congress

Covering letter, with enclosure, dated 19th October 1950, from
Colonel R. Meinertzhagen, Chairman of the Standing
Committee on Ornithological Nomenclature

As Chairman of the Standing Committee on Ornithological Nomenclature, I beg to forward to you the annexed recommendation relating to the name *Fringilla nortoniensis* Gmelin, [1789], for favour of decision by the International Commission on Zoological Nomenclature.

The circumstances of the present case were described by Dr. E. Stresemann, a Member of the Standing Committee, in a paper entitled “Birds collected in the North Pacific Area during Capt. James Cook’s last voyage (1778 and 1779)”, published in 1949 (Stresemann, 1949, *Ibis* 91 : 252), an extract from which is given in the Annexe to the application now submitted.

The specific action which the International Commission on Zoological Nomenclature is asked to take in this case is : (1) that it should use its Plenary Powers to suppress the trivial name *nortoniensis* Gmelin, [1789], as published in the combination *Fringilla nortoniensis*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ; (2) place the trivial name *pyrrhulinus* Swinhoe, 1876, as published in the combination *Emberiza pyrrhulinus*, on the *Official List of Specific Trivial Names in Zoology*, and (3) place the trivial name *nortoniensis* Gmelin, [1789], as published in the combination *Fringilla nortoniensis*, as proposed, in (1) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*.

ENCLOSURE

The trivial name comprised in the specific name " *Fringilla nortoniensis* " Gmelin, [1789]

It is recommended that the trivial name (*nortoniensis*) comprised in the specific name *Fringilla nortoniensis* Gmelin, [1789] (in Linnaeus, *Syst. Nat.* (ed. 13) 1(2) : 922) be made a *nomen rejectum* and that the trivial name (*pyrrhulina*) comprised in the name currently accepted for this species, namely *Emberiza pyrrhulinus* Swinhoe, 1876, *Ibis* (3) 5 : 333, pl. VIII, fig. 2 ("Hakodati") be made a *nomen conservandum*.

The trivial name *pyrrhulinus* Swinhoe, 1876, has been in continuous use for three-quarters of a century, while the name *nortoniensis* Gmelin, [1789], has been completely overlooked. The introduction of Gmelin's long-forgotten name *nortoniensis* would give rise to confusion and would be open to strong objection.

Attached to the present application is an extract from a paper by Dr. E. Stresemann published in 1949 (*Ibis* 91 : 252) in which the trivial name *nortoniensis* Gmelin was first synonymised with *pyrrhulinus* Swinhoe.

R. MEINERTZHAGEN : *Chairman of the Standing Committee.*

E. STRESEMANN : *Zoologisches Museum der Universität, Berlin.*

JOHN T. ZIMMER : *The American Museum of Natural History, New York.*

ANNEXE TO APPLICATION

Extract from a paper entitled " *Birds collected in the North Pacific Area during Capt. James Cook's last Voyage (1778 and 1779)* " (Stresemann, 1949, " *Ibis* " 91 : 244—255)

[The birds discussed in the above paper are grouped by reference to the localities in which they were observed, and the dates on which these localities were visited on Captain Cook's voyage. The bird dealt with in the present application is discussed in the tenth of these groups which is lettered " J," and is concerned with birds observed in Kamschatka.]

J. KAMTSCHATKA : 28th April to 4th June 1779 and 24th August to 9th October 1779.

- (1) [*Emberiza schoeniclus pyrrhulinus* Swinhoe, 1876] *Fringilla nortoniensis* Gmelin, 1(2) : 922 (1789), ex "Norton Finch", Pennant, 2 : 376. "Discovered in Norton Sound". Locality wrong. The specimen described by Pennant is a male in fresh autumn plumage (lacking the outermost pair of tail feathers) of the Kamschatka race of the Reed Bunting.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Following the receipt of Colonel Meinertzhagen's letter, the question of the use of the Commission's Plenary Powers for the purpose of preserving the specific name *pyrrhulinus* Swinhoe was allotted the Registered Number Z.N.(S.) 527.

3. Publication of the present application : The present application was sent to the printer on 30th January 1952 and was published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* on 15th October of the same year (Meinertzhagen (Application by Standing Committee on Ornithological Nomenclature), 1952, *Bull. zool. Nomencl.* **9** : 38—39).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th October 1952 (a) in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by the Standing Committee on Ornithological Nomenclature was published), (b) to the other prescribed serial publications and (c) to certain general zoological serials. In addition, such Notice was given also to fourteen serial publications or institutions specially concerned with ornithology. The names of the serials and institutions in question have been given in the *Opinion* (*Opinion* 401)¹ relating to the generic name *Colymbus* Linnaeus, the *Opinion* in which the Commission dealt with the first of the series of applications submitted by the Standing Committee on Ornithological Nomenclature.

5. Comments of a general character : The issue of the Public Notices specified above elicited thirty-seven comments of a general character relating to the cases of ornithological nomen-

¹ *Opinion* 401 has been published as Part 1 in the present volume.

clature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. These comments came from ornithological institutions, groups of ornithologists and individual specialists. Of these comments, the authors of thirty-six gave general support to the applications published in the foregoing Triple-Part. The single remaining comment was from a specialist who was opposed to any use of the Commission's Plenary Powers. The communications so received have been reproduced in the Appendix annexed to *Opinion 401 (Colymbus)*², those supporting the applications referred to above being given in Part 1, the single comment in opposition to the above applications being given in Part 2.

6. Comments directly related to the present application : One comment directly related to the present application was received. This was a letter of support received from Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and five other United States specialists. No objection relating specifically to the present case was received from any source.

7. Comment received from Dr. Josselyn Van Tyne and five other United States ornithologists : On 18th March 1953 Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and the five under-mentioned specialists addressed a letter to the Commission in support of the present application : (a) Robert W. Storer (*Museum of Zoology, University of Michigan, Ann Arbor, Michigan, U.S.A.*) ; (b) Andrew J. Berger (*Ann Arbor, Michigan, U.S.A.*) ; (c) Olin Sewall Pettingill, Jr. (*Northfield, Minnesota, U.S.A.*) ; (d) Frank A. Pitelka (*Berkeley, California, U.S.A.*) ; (e) John Davis (*Los Angeles, California, U.S.A.*) :—

We, the undersigned, wish to express our strong approval of proposal No. 4 (concerning *nortoniensis* Gmelin) published on page 3³ of vol. 9 of the *Bulletin of Zoological Nomenclature*. We hope that your Commission will take favorable action on it.

² See Footnote 1 above.

³ The page reference here cited is to the page in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*, where the present application appeared as proposal No. 4 in the Prescribed Plenary Powers Notice.

III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(54)65 : On 14th May 1954, a Voting Paper (V.P.(54)65) was issued in which the Members of the Commission were invited to vote either for, or against, “ the proposal relating to the names *pyrrhulinus* Swinhoe, 1875, as published in the combination *Emberiza pyrrhulinus*, and *nortoniensis* Gmelin, [1789], as published in the combination *Fringilla nortoniensis*, as specified in Points (1) to (3) in the last paragraph of Colonel Meinertzhagen’s covering letter on page 38 of volume 9 of the *Bulletin of Zoological Nomenclature*” [i.e. in the Points numbered as above in the letter reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 14th August 1954.

10. Particulars of the Voting on Voting Paper V.P.(54)65 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)65 was as follows :—

- (a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Holthuis ; Lemche ; Dymond ; Hering ; Vokes ; Esaki ; Riley ; Bonnet ; Bradley (J.C.) ; Hemming ; do Amaral ; Jaczewski ; Pearson ; Hankó ; Mertens ; Sylvester-Bradley ; Cabrera ; Stoll ;

- (b) *Negative Votes :*

None ;

- (c) *Voting Papers not returned .*

None.

11. Declaration of Result of Vote : On 17th August 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)65, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 9th October 1955 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)65.

13. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

nortoniensis, *Fringilla*, Gmelin (J.F.), [1789], in Linnaeus, *Syst. Nat.* (ed. 13) 1(2) : 922

pyrrhulinus, *Emberiza*, Swinhoe, 1876, *Ibis* (3) 5 : 333, pl. VIII, fig. 2

14. At the time of the submission of the present application the name applicable to the second portion of a binomen was " trivial name ". This was altered to " specific name " by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is

accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Eight (408) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of October, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING